

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,))	
Complainant,))	
)	
v.))	8 U.S.C. § 1324a Proceeding
)	Case No. 97A00153
CHELSEA DISTRIBUTORS, INC.,))	
Respondent.))	Marvin H. Morse
		Administrative Law Judge

**ORDER TO SHOW CAUSE WHY DEFAULT JUDGMENT
SHOULD NOT ISSUE
(January 7, 1998)**

On March 11, 1997, the Immigration and Naturalization Service (INS) served a Notice of Intent to Fine (NIF) on Chelsea Distributors, Inc. (Respondent or Chelsea).

On August 26, 1997, INS filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO).

Count I, the only count of the Complaint, charges Respondent with failure to prepare and/or make available for inspection the employment eligibility verification form (Form I-9) for each of forty-five (45) named individuals, and assesses a civil money penalty of \$450 per violation for a total civil money penalty of \$20,250. Attached to the Complaint as Exhibit B is Respondent's April 1, 1997 request for hearing, made by its President, Brian Ardizone.

On August 28, 1997, OCAHO issued a Notice of Hearing (NOH) which transmitted a copy of the Complaint to Respondent. The NOH cautioned that upon failure to file an Answer to the Complaint within thirty (30) days of receipt, "Respondent may be deemed to have waived his/her right to appear and contest the allegations of the Complaint, and an Administrative Law Judge (ALJ) may enter a judgment by default along with any and all appropriate relief." The Postal Service certified mail return receipt returned to OCAHO confirms that Respondent received the NOH on August 30, 1997. To date, no Answer to the Complaint has been filed.

On December 2, 1997, INS filed a Motion for Default Judgment. The Motion was served on Respondent on December 2, 1997. INS states that Respondent failed to plead or otherwise defend within thirty (30) days of receipt of said Complaint as required by 28 C.F.R. § 68.9(a).

This Order provides Respondent the opportunity to explain its failure timely to answer the complaint and invites Respondent to show cause, if any it has, why a final decision and order should not be issued against it in the amount and for the reasons specified in the Complaint.

A response to this Order will be considered timely, if received **not later than January 23, 1998**. In such filing, Respondent is obliged to show such cause as it may have as to why it failed timely to file an Answer to the Complaint, and why a default judgment should not issue. The filing must be accompanied by a proposed Answer to the Complaint. Any filing must include a true certificate that a copy has been sent, postage prepaid to INS. In the event that Respondent makes a timely response to this Order, INS may timely file a reply **not later than February 6, 1998**.

SO ORDERED.

Dated and entered this 7th day of January, 1998.

Marvin H. Morse
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Order to Show Cause Why Default Judgment Should Not Issue were mailed certified mail, return receipt requested as indicated, and first class, this 7th day of January, 1998.

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